IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

FRIDAY, THE 7TH SEPTEMBER 2007 / 16TH BHADRA 1929

WP(C).No. 27561 of 2005(F)

OS.23/2000 of DEBT RECOVERY TRIBUNAL, ERNAKULAM

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PETITIONER:

S. USHA, AGED 50 YEARS,
S/O. SASIKUMAR, USHUS, T.C.22/905, DEVI NAGAR,
PEROORKADA, TRIVANDRUM-5.

BY ADV. SRI.MOHAN JACOB GEORGE
SRI.G.S.REGHUNATH

RESPONDENTS:

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1. BANK OF MAHARASHTRA,
TRIVANDRUM BRANCH, REPRESENTED BY ITS MANAGER.

2. S. SASIKUMAR,
"USHUS", T.C.22/905, DEVI NAGAR,
PEROORKADA, TRIVANDRUM-5.

3. S. SUKESAN,
KAROOKONAM PUTHENVEEDU, T.C.10/621, TRIVANDRUM-5.

4. CENTRAL RAILWAY,
MUMBAI, REPRESENTED BY ITS GENERAL MANAGER.

5. SENIOR DIVISIONAL COMMERCIAL MANAGER,
CENTRAL RAILWAY, MUMBAI DIVISION.

6. THE CHIEF SUPERVISOR,
CENTRAL RAILWAY, C.S.T., MUMBAI.

7. THE PARCEL SUPERVISOR,
CENTRAL RAILWAY, WADIBUNDU, MUMBAI.

8. THE DEBT RECOVERY TRIBUNAL,
ERNAKULAM, REPRESENTED BY ITS REGISTRAR.

R4 TO 7 BY ADV. SRI.ALEXANDER THOMAS, SC,RAILWAYS
R1 BY ADV. SRI.R.S.KALKURA, SC

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 07/09/2007, THE COURT ON 07/09/2007 DELIVERED THE FOLLOWING:

C.N.RAMACHANDRAN NAIR, J.

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W.P.(C) No.27561 of 2005

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Dated this the 7th day of September, 2007.

JUDGMENT

This W.P. is pending in this court without admitting it for the last two years. The petitioner has been seeking adjournment after adjournment. The W.P. is filed against DRAT's order dismissing an appeal filed against DRT's order setting aside exparte award against second defendant on payment of Rs.10 lakhs. The claim amount is around Rs.62 lakhs. I find the application to set aside exparte award itself was filed with a delay of 735 days. The second defendant who is the petitioner in the W.P. is admittedly the guarantor. I do not find any justification to interfere with the order of the DRT confirmed by order of the DRAT. The W.P. is therefore dismissed.

C.N.RAMACHANDRAN NAIR
Judge

pms